

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOROTHY BECKWITH,)	
)	
Plaintiff,)	
v.)	Civil Action No.: _____
)	
EPHRATA COMMUNITY HOSPITAL d/b/a)	ELECTRONICALLY FILED
WELLSPAN EPHRATA COMMUNITY HOSPITAL)	
)	
Defendant.)	
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NOTICE OF REMOVAL

COMES NOW, Defendant, Ephrata Community Hospital d/b/a WellSpan Ephrata Community Hospital (“Defendant” or “Ephrata Community Hospital”), by and through counsel, and pursuant to 28 U.S.C. § 1446, and removes this action, which was initiated in the Court of Common Pleas of Lancaster County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In accordance with 28 U.S.C. § 1441 and 28 U.S.C. § 1446, Defendant submits the following statement of the grounds for removal:

1. Plaintiff Dorothy Beckwith (“Plaintiff”) commenced this action by filing a civil Complaint in the Court of Common Pleas of Lancaster County, Pennsylvania, at Docket No. CI-21-02277, on or about April 12, 2021 (the “Complaint”).
2. In her Complaint, Plaintiff alleges that Defendant violated her rights under the Pennsylvania Whistleblower Law, 42 P.S. § 1421, *et seq.*, for allegedly discharging her for making good faith reports and/or complaints of wrongdoing by Defendant.
3. In addition, Plaintiff alleged that Defendant violated Pennsylvania public policy by terminating Plaintiff for refusing to engage in illegal activity.

4. On or about July 7, 2021, Plaintiff filed an Amended Complaint (the “Amended Complaint”) in order to clearly define Plaintiff’s claims.

5. Defendant filed an Answer with New Matter to Plaintiff’s Amended Complaint on or about August 9, 2021.

6. Thereafter, Plaintiff filed a Second Amended Complaint, on or about September 14, 2021 (the “Second Amended Complaint”).

7. In her Second Amended Complaint, Plaintiff adds an additional claim under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621, *et seq.*, in which she alleges that Defendant terminated Plaintiff’s employment because of her age and/or because she made a good faith complaint of age discrimination.

8. Plaintiff’s claim under the ADEA constitutes an exclusively federal question.

9. This Court has original jurisdiction over these federal claims. *See* 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”) and the case is therefore removable pursuant to 28 U.S.C. § 1441, *et seq.*

10. Likewise, the Court may exercise supplemental jurisdiction over the state law claims because they arise out of the same case or controversy. *See* 28 U.S.C. § 1367(a).

11. In any event, Plaintiff asserted a separate and independent claim within the jurisdiction conferred by 28 U.S.C. § 1331. As a result, this Court may remove the entire case, including any claims that would otherwise be non-removable 28 U.S.C. § 1441(c).

12. Defendant was served with the Second Amended Complaint on September 14, 2021.

13. A copy of the documents on record in Plaintiff's state court action are attached as Exhibit 1 to this Notice of Removal.

14. The Lancaster County Court of Common Pleas is located within the judicial district embraced by this Court.

15. This Notice of Removal is timely because it is filed within 30 days of receipt of the Second Amended Complaint as required by 28 U.S.C. § 1446(b).

16. The facts set forth in this Notice of Removal are true and correct to the best of the undersigned's knowledge, information and belief.

17. Concurrent with this filing, Defendant has caused to be filed a true and correct copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Lancaster County, Pennsylvania.

18. Written Notice of the filing of this Notice of Removal is also being served on Plaintiff on this date pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Ephrata Community Hospital removes the action now pending in the Court of Common Pleas of Lancaster County, Pennsylvania, Case No. CI-21-02277, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of September, 2021, a true and correct copy of the foregoing Notice of Removal has been filed electronically and is available for viewing and downloading on the Court's CM/ECF System. In addition, a true and correct copy of same was served via electronic mail, upon the following:

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